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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,151	09/15/2000	Bradley J. Swearingen	1302-1001	2668

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EXAMINER	
SUBRAMANIAN, NARAYANSWAMY	

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/663,151	SWEARINGEN ET AL.	
	Examiner	Art Unit	
	Narayanswamy Subramanian	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2000*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-46* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10, drawn to a method for executing a trade in a user preferred security comprising the steps of: representing the user preferred securities in an N dimensional graph on a client system; selecting one of the user preferred securities from the N dimensional graph; associating order parameters with the selected user preferred security; sending an order to trade the selected user preferred security from the client system to a server system; and routing the order from the server system to a trade execution location, classified in class 705, subclass 37.

II. Claims 11-2, drawn to a method for executing a trade in a user preferred security comprising the steps of: providing security data for a plurality of securities to a server system from a security data source; transmitting user specific criteria from the client system to the server system; analyzing the security data for the plurality of a securities based upon the user specific criteria to identify the user preferred securities in the server system; designating N user specific parameters of the security data in the client system, wherein N is a positive integer; representing the user preferred securities in an N dimensional graph on the client system based upon the N user specific parameters; selecting one of the user preferred securities from the N dimensional graph; associating order parameters with the selected user preferred security; sending an order to trade the selected user preferred security from the client system to the server system; and routing the order from the server system to a trade execution location, classified in class 705, subclass 37.

III. Claims 23-33, drawn to a system for executing a trade in a user preferred security comprising: a server system in communication with a security data a source and a trade

execution location, the security data source providing security data on a plurality of securities to the server system; and a client system in communication with the server system and including a display device and an input device, the client system providing user specific criteria to the server system for analyzing the security data such that the server system identifies the user preferred securities from the plurality of securities, the user preferred securities are graphically represented on the display device in an N dimensional graph based upon N user specific parameters, one of the user preferred securities being selected using the input device and having order parameters associated therewith, the client system generating and sending an order to trade the selected user preferred security to the server system, the server system routing the order to the trade execution location, classified in class 705, subclass 37.

IV. Claims 34-41, drawn to a computer program embodied on a computer readable medium on a server system for executing a trade in a user preferred security comprising: a code segment for receiving security data for a plurality of securities from a security data source; a code segment for analyzing the security data based upon user specific criteria received from a client system; a code segment for identifying user preferred securities from the plurality of securities; a code segment for providing the client system with data relating to the user preferred securities to be graphically represented in an N dimensional graph on the client system based upon the N user specific parameters; a code segment for receiving an order to trade a selected user preferred security; and a code segment for routing the order to a trade execution location, classified in class 705, subclass 37.

V. Claims 42-46, drawn to a computer program embodied on a computer readable medium on a client system for executing a trade in a user preferred security comprising: a code

segment for transmitting user specific criteria to a server system that receives security data for a plurality of securities from a security data source, analyzes the security data based upon the user specific criteria and identifies user preferred securities; a code segment for receiving data relating to the user preferred securities from the server system; a code segment for generating a graphical representation of the user preferred securities in an N dimensional graph based upon N user specific parameters; a code segment for selecting one of the user preferred securities; a code segment for associating order parameters with the selected user preferred security; and a code segment for sending an order to trade the selected user preferred security to the server system that routes the order to a trade execution location, classified in class 705, subclass 37.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method for executing a trade in a user preferred security comprising the steps of: representing the user preferred securities in an N dimensional graph on a client system; selecting one of the user preferred securities from the N dimensional graph; associating order parameters with the selected user preferred security; sending an order to trade the selected user preferred security from the client system to a server system; and routing the order from the server system to a trade execution location, whereas invention II relates to a method for executing a trade in a user preferred security comprising the steps of: providing security data for a plurality of securities to a server system from a security data source; transmitting user specific criteria from the client system to the server system; analyzing the security data for the plurality of a securities based upon the user specific criteria to

identify the user preferred securities in the server system; designating N user specific parameters of the security data in the client system, wherein N is a positive integer; representing the user preferred securities in an N dimensional graph on the client system based upon the N user specific parameters; selecting one of the user preferred securities from the N dimensional graph; associating order parameters with the selected user preferred security; sending an order to trade the selected user preferred security from the client system to the server system; and routing the order from the server system to a trade execution location. See MPEP § 806.05(d). The steps of the two methods are very clearly different and so is the scope and utility of the two inventions. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper even though they are classified in the same class and sub class.

Inventions I and III are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method for executing a trade in a user preferred security comprising the steps of: representing the user preferred securities in an N dimensional graph on a client system; selecting one of the user preferred securities from the N dimensional graph; associating order parameters with the selected user preferred security; sending an order to trade the selected user preferred security from the client system to a server system; and routing the order from the server system to a trade execution location, whereas invention III relates to a system for executing a trade in a user preferred security comprising: a server system in communication with a security data a source and a trade execution location, the security data source providing security data on a plurality of securities to the server system; and a

client system in communication with the server system and including a display device and an input device, the client system providing user specific criteria to the server system for analyzing the security data such that the server system identifies the user preferred securities from the plurality of securities, the user preferred securities are graphically represented on the display device in an N dimensional graph based upon N user specific parameters, one of the user preferred securities being selected using the input device and having order parameters associated therewith, the client system generating and sending an order to trade the selected user preferred security to the server system, the server system routing the order to the trade execution location. See MPEP § 806.05(d). The method of Invention I can be implemented using a system with a configuration different from what is claimed in Invention III, and hence the method has a utility different from the system of Invention III. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper even though they are classified in the same class and sub class.

Inventions I and IV are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method for executing a trade in a user preferred security comprising the steps of: representing the user preferred securities in an N dimensional graph on a client system; selecting one of the user preferred securities from the N dimensional graph; associating order parameters with the selected user preferred security; sending an order to trade the selected user preferred security from the client system to a server system; and routing the order from the server system to a trade execution location, whereas

invention IV relates to a computer program embodied on a computer readable medium on a server system for executing a trade in a user preferred security comprising: a code segment for receiving security data for a plurality of securities from a security data source; a code segment for analyzing the security data based upon user specific criteria received from a client system; a code segment for identifying user preferred securities from the plurality of securities; a code segment for providing the client system with data relating to the user preferred securities to be graphically represented in an N dimensional graph on the client system based upon the N user specific parameters; a code segment for receiving an order to trade a selected user preferred security; and a code segment for routing the order to a trade execution location. See MPEP § 806.05(d). The method of Invention I can be implemented using a computer program different from what is claimed in Invention IV, and hence the method has a utility different from the computer program of Invention IV. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group IV, restriction for examination purposes as indicated is proper even though they are classified in the same class and sub class.

Similarly other pairing of inventions stated above are related as sub combinations disclosed as usable together in a single combination. These inventions are distinct from each other as can be evident from the definition of the groups described above. Also they require separate searches and hence restriction of these inventions for examination purposes as indicated is proper.

3. A telephone call was made to Mr. Lawrence R. Youst on March 19, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

4. Applicants are advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft to The Patent Office is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian
March 19, 2004

Richard Weisberger
Primary Examiner